

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

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#### ***Cross-reference:***

*Gambling, see 112.15 et seq.*

*Tobacco regulations, see Chapter 114*

***PROPERTY OFFENSES*****' 130.01 DAMAGE TO CITY BUILDINGS AND PROPERTY.**

It shall be unlawful for any person to injure or damage any public building or property belonging to the city.

Penalty, see ' 10.99

**' 130.02 HANDBILLS AND POSTERS.**

It shall be unlawful for any person to attach any handbills, signs, posters, or any similar item to any traffic sign, street lighting pole, electric or telephone utility pole, or public building within the city.

Penalty, see ' 10.99

***Cross-reference:***

*Public nuisances affecting peace and safety; handbills and the like; permits, see ' 92.04*

***OFFENSES AGAINST PUBLIC PEACE AND SAFETY*****' 130.15 VAGRANCY.**

M.S. ' 609.725, as it may be amended from time to time, is hereby adopted by reference.  
Penalty, see ' 10.99

**' 130.16 DISORDERLY CONDUCT.**

M.S. ' 609.72, as it may be amended from time to time, is hereby adopted by reference.  
Penalty, see ' 10.99

**' 130.17 CURFEW FOR MINORS.**

(A) *Purpose.* The curfew for minors established by this section is maintained for four primary reasons:

- (1) To protect the public from illegal acts of minors committed during the curfew hours;
- (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs during the curfew hours; and

(4) To help parents control their minor children.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EMERGENCY ERRAND.*** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

***OFFICIAL CITY TIME.*** The time of day as determined by reference to the master clock used by the dispatcher.

***PLACES OF AMUSEMENT, ENTERTAINMENT, OR REFRESHMENT.*** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

***PRIMARY CARE*** or ***PRIMARY CUSTODY.*** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

***SCHOOL ACTIVITY.*** An event which has been placed on a school calendar by public or parochial school authorities as a school-sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 10:00 p.m. and 6:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:00 p.m. and 6:00 a.m. the following day, official city time, on any Sunday, Monday, Tuesday, Wednesday, or Thursday, or between the hours of 12:01 a.m. and 6:00 a.m. on any Saturday or Sunday.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of such business, trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, a school, a religious institution, or a similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew.

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion.

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence.

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian, or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

(H) *Penalties.*

(1) *Minors.* Any minor found to be in violation of this section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. ' 260.185, as it may be amended from time

to time.

(2) *Adults.* Any adult person found to be in violation of this section shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by state law for a misdemeanor.

(I) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

' **130.18 SKATEBOARDS, INLINE SKATES AND ROLLER SKATES**

(A) *Purpose.* To protect the Public Health and Safety arising out of the use of skateboards, inline skates and roller skates in certain business areas.

(1) *Definitions*

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OPERATE.** To ride on or upon or control the operation of inline skates, roller skates or a skateboard.

**OPERATOR.** Every person who operates or is in actual physical control of inline skates, roller skates or a skateboard.

**INLINE SKATES/ROLLER SKATES.** A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

**SKATEBOARD.** A device for riding upon, usually while standing, consisting of an oblong piece of wood, or of other composition, mounted on skate wheels.

(2) It is unlawful for any person to operate inline skates, roller skates or a skateboard under the circumstances set forth hereafter.

(a) On private property of another without the express permission to do so by the owner or occupant of said property.

(b) In any careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of another person or property of any other person. No person shall ride on a sidewalk without exercising due care for the safety of the other person using the sidewalk.

(3) Any person operating inline skates, roller skates or a skateboard shall yield the right-of-way to

all pedestrians and all vehicles at all times.

(4) It is unlawful for any person to ride upon a skateboard, inline skates or roller skates in any area within the limits of the City while being pushed, pulled or in any way propelled by any motorized vehicle or by any person on a bicycle.

(5) Every person skating upon a roadway shall not ride more than two abreast and shall not impede the normal and reasonable movements of traffic.

(6) Any person operating inline skates, roller skates or a skateboard upon a roadway shall ride as close as possible to the right-hand curb or edge of the roadway.

(7) It is unlawful for any person to use inline skates, roller skates or a skateboard upon a public street, sidewalk, parking lot or other public roadway ½ hour before sunset to ½ hour after sunrise, except on private property with express permission of the owner of said property. No person crossing a street on inline skates, roller skates or a skateboard shall travel too fast for safety under the conditions existing.

(B) The use of skateboards, inline skates and roller skate shall be prohibited on State Highway 32 and County Highways within the City of Fertile.

(C) A person apprehended by a law enforcement officer or city official in violation of the provisions of this Section does by his use of the public sidewalk, streets and public parking lots consent to the impoundment by a law enforcement officer or city official of the inline skates, roller skates or skateboard for a period of three days upon first offense, a week upon second offense, and thirty days upon a third or additional offense. Any person who violates a paragraph, provision or subdivision of this Section shall be cited and punished as a petty misdemeanor.

### **' 130.19 OPEN BURNING**

(A) There shall be no open burning of refuse including garbage, wood, paper, plastics, rubber, or combustibles of any kind which may be considered refuse, within the Fertile city limits.

(B) Special permission can be obtained through the City Administrator's office for burning for specific events.

(C) It is permissible to burn leaves within the Fertile city limits, however leaves may not be burned on blacktop or any public right of way. Leaves may not be burned before 4:00 p.m. Sunday through Saturday. This does not include burning garbage or refuse, which is prohibited.

(D) Enclosed and properly screened firepits are excluded from this open burning prohibition for purposes of burning wood, paper and leaves.

(E) Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor.

Penalty, see ' 10.99

***OFFENSES AGAINST PUBLIC MORALS***

**' 130.30 INDECENT CONDUCT.**

No person shall in any licensed public place or open ground where activity may be visible to the public:

- (A) Appear in the nude.
- (B) Appear in any indecent or lewd dress.
- (C) Make any indecent exposure of his or her person.
- (D) Engage in any lewd or obscene conduct.
- (E) Exhibit, sell, or offer to sell any lewd or obscene book, picture, or other thing.

(F) Stand any stallion, bull, jack, or other animal for breeding purposes when such unreasonably annoys members of the public.

Penalty, see ' 10.99

***OFFENSES AGAINST PERSONS***

**' 130.40 ASSAULT.**

No person shall commit an assault upon any other person or persons. For purposes of this section **ASSAULT** shall be defined as per M.S. ' 609.224, as it may be amended from time to time.

Penalty, see ' 10.99

***DRUG AND ALCOHOL OFFENSES***

**' 130.50 ALCOHOLIC BEVERAGES.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**3.2 MALT LIQUOR.** Malt liquor which contains not in excess of 3.2% alcohol by weight.

**INTOXICATING LIQUOR** or **LIQUOR.** Ethyl alcohol and distilled, fermented, spirituous,

vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

***PACKAGE or ORIGINAL PACKAGE.*** Any container or receptacle holding liquor or 3.2 malt liquor, which container or receptacle is corked, capped, or sealed by a manufacturer or wholesaler.

***PUBLIC PARK.*** Any property owned or maintained by the city for playground or other recreation purposes.

***PUBLIC PROPERTY.*** Any property owned or maintained by the city for any purpose other than streets and public parks.

(B) Consumption and possession of 3.2 malt liquor or intoxicating liquor prohibited on streets and other public property. No person shall:

(1) Consume any 3.2 malt liquor or intoxicating liquor on any street or other public property, except as otherwise specifically provided in other sections of the code.

(2) Have in his or her possession any 3.2 malt liquor or intoxicating liquor on any street or other public property unless the same is in the original package with the seal unbroken.

(C) Consumption and possession of 3.2 malt liquor or intoxicating liquor in public parks. No person shall consume or have in his or her possession any 3.2 malt liquor or intoxicating liquor in any public park except during daylight hours and then only when a permit has been issued, by the City, therefor pursuant to the code.

(D) *Permits.*

(1) Any individual or group desiring to possess or consume 3.2 malt liquor or intoxicating liquor in any public park shall apply for a permit therefor at least seven days in advance of the date of the proposed possession or consumption.

(2) Application shall be for one day or part thereof only, state the date of the proposed possession or consumption, the size of the group, and such other information as the Council may require.

(3) The application shall be filed with the City Administrator and shall be referred by him or her to the Law Enforcement officials. If the Law Enforcement official shall conclude after reasonable consideration that the terms of the permit as applied for shall not impose an unreasonable burden upon the Police Department or cause increased costs for overtime protection or supervision, he or she shall direct the City Administrator to issue the permit.

(4) The permit shall be kept on the person of the applicant or other member of the group at all times during which any possession or consumption of 3.2 malt liquor or intoxicating liquor occurs in the public park.

(E) *Violations and penalty.* Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Penalty, see ' 10.99

***Cross-reference:***

*Alcoholic beverages, see Chapter 111*

*Public nuisances affecting morals and decency; intoxicating liquor, see ' 92.03*

*Restrictions on purchase and consumption; public places, see ' 111.09*

**WEAPONS**

**' 130.60 DISCHARGE OF FIREARMS AND OTHER WEAPONS.**

(A) *Restrictions.* No person shall discharge, or be in possession of any firearm with the intent to discharge, any firearm, air rifle, BB gun, dart gun, bow and arrow or cross bow, or any other weapon within the Fertile city limits. The provisions of this section shall not apply to the discharge, or possession with the intent to discharge, a bow and arrow or ~~cross~~ long bow within the properly designated areas contained within the boundaries of Agassiz Environmental Learning Center. The provisions of this section shall not apply to any law enforcement officer acting in the course of his or her official duties.

(B) *Penalty.* Any person violating any provision of this section shall be guilty of a misdemeanor. Penalty, see ' 10.99